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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JANE DOE,

Plaintiff,

v.

AMAZON.COM, INC., a Delaware
corporation, and IMDB.COM, INC., a
Delaware corporation,

Defendants.

No. 2:11-CV-01709-JCC

**DECLARATION OF GIANCARLO
CAIRELLA IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
PURSUANT TO RULE 10(a)**

I, Giancarlo Cairella, hereby declare as follows:

1. I am Customer Service Manager with Defendant IMDb.com, Inc. ("IMDb.com")
and have held this position from 2001 to the present. I make this declaration based upon my
personal knowledge and, if asked, would testify to the truth of the matters herein.

2. The IMDb.com website, www.IMDb.com, publicly displays factual information
about movies, television shows, and the actors, directors, and other professionals who make
them, including their dates of birth.

3. Since 1998, IMDb.com has been a wholly-owned subsidiary of Defendant
Amazon.com, Inc. ("Amazon.com") based in Seattle, Washington. IMDb.com and Amazon.com
will be referred to collectively here as "IMDb.com" unless otherwise stated.

DECLARATION OF G. CAIRELLA IN SUPPORT
OF DEFENDANTS' MOTION TO DISMISS
UNDER RULE 10(a) (NO. 2:11-CV-01709) - 1

24976-0480/LEGAL22091275.1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

Case 2:11-cv-01709-MJP Document 14 Filed 11/09/11 Page 2 of 4

1 4. IMDb.com believes that it has discerned the identity of Plaintiff Jane Doe
2 ("Plaintiff"), based on her description in the Complaint and past communications to IMDb.com
3 from and on behalf of an actress fitting that description. However, IMDb.com cannot be certain
4 that it has correctly identified Plaintiff. At least one other actor also fits the description of
5 Plaintiff in the Complaint (*i.e.*, is from Texas, of Asian descent, around 40 years old, and has
6 previously requested that IMDb remove her birth date from her profile). Further, there are a
7 number of discrepancies between factual allegations in the Complaint and data in IMDb.com
8 records and in prior communications to IMDb.com from the actress who IMDb.com believes is
9 Plaintiff.
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12 5. Attached as Exhibit A is a true and correct copy of IMDb.com account
13 registration data for the actress IMDb.com believes is Plaintiff. (The actress IMDb.com believes
14 is Plaintiff is identified as "Plaintiff" hereafter throughout this declaration for ease of reference.)
15 This data, prepared and maintained by IMDb.com in the normal course of business, shows that
16 Plaintiff first registered with IMDb.com on or about November 27, 2001 and first subscribed to
17 IMDbPro on or about June 15, 2004. Note that IMDb.com has redacted Plaintiff's name and
18 other identifying information from Exhibit A until the Court confirms that Plaintiff is not entitled
19 to proceed with her claims anonymously and IMDb.com is able to definitively verify Plaintiff's
20 identity.
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23 6. Attached as Exhibit B is a true and correct copy of a letter, dated December 16,
24 2008, from [REDACTED] to IMDb.com, regarding Plaintiff's claims that her
25 birthdates as displayed on IMDb.com were erroneous; referencing various materials Plaintiff
26 allegedly provided to substantiate her true age but which bore indicia of forgery, tampering or
27 other invalidity; and threatening the invocation of "judicial intervention" if Plaintiff's birth date
28 was not removed from the IMDb.com website. Note that IMDb.com has redacted Plaintiff's
29 name and other identifying information from Exhibit B until the Court confirms that Plaintiff is
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34 DECLARATION OF G. CAIRELLA IN SUPPORT
35 OF DEFENDANTS' MOTION TO DISMISS
36 UNDER RULE 10(a) (NO. 2:11-CV-01709) – 2
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Case 2:11-cv-01709-MJP Document 14 Filed 11/09/11 Page 3 of 4

1 not entitled to proceed with her claims anonymously and IMDb.com is able to definitively verify
2 Plaintiff's identity.

3
4 7. Attached as Exhibit C is a true and correct copy of a letter from attorney John W.
5 Dozier Jr. of Dozier Internet Law, P.C. to Amazon.com, Inc. dated May 4, 2011, regarding
6 display of the "real birthdate" of Plaintiff on the IMDb.com website. The letter states that
7 Plaintiff registered for IMDbPro with her debit card in 2008; that it is Mr. Dozier's personal
8 suspicion ("I suspect") that IMDb.com has a pervasive, surreptitious practice of using
9 credit/debit card information to research and build up content on the IMDb.com site; and that he
10 may evaluate the merits of a class action on this issue if there is no mutually satisfactory
11 accommodation with his client. Note that IMDb.com has redacted Plaintiff's name and other
12 identifying information from Exhibit C until the Court confirms that Plaintiff is not entitled to
13 proceed with her claims anonymously and IMDb.com is able to definitively verify Plaintiff's
14 identity.

15
16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct.

18
19
20 DATED: November 9, 2011

21 By: 
22 Giancarlo Cairella

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24 DECLARATION OF G. CAIRELLA IN SUPPORT
25 OF DEFENDANTS' MOTION TO DISMISS
26 UNDER RULE 10(a) (NO. 2:11-CV-01709) - 3

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Case 2:11-cv-01709-MJP Document 14 Filed 11/09/11 Page 4 of 4

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4 **CERTIFICATE OF SERVICE**
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12 I certify that on November 9, 2011, I electronically filed the foregoing **DECLARATION**
13 **OF GIANCARLO CAIRELLA IN SUPPORT OF MOTION TO DISMISS PURSUANT**
14 **TO RULE 10(a)** with the Clerk of the Court using the CM/ECF system, which will send
15 notification of such filing to the following attorneys of record
16
17

18 **John W Dozier , Jr**
19 Dozier Internet Law
20 301 Concourse Blvd
21 West Shore III , Ste 300
22 Glen Allen, VA 23059
23
24

25 ____ Via hand delivery
26 ____ Via U.S. Mail, 1st Class, Postage Prepaid
27 ____ Via Overnight Delivery
28 ____ Via Facsimile
29 ____ Via Email
30 **X** Via ECF
31
32

33 **Randall Moeller**
34 **Derek Alan Newman**
35 Newman & Newman
36 1201 Third Avenue, Ste 1600
37 Seattle, WA 98
38
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40 ____ Via hand delivery
41 ____ Via U.S. Mail, 1st Class, Postage Prepaid
42 ____ Via Overnight Delivery
43 ____ Via Facsimile
44 ____ Via Email
45 **X** Via ECF
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47

48 I certify under penalty of perjury that the foregoing is true and correct.
49
50

51 DATED this 9th day of November, 2011.

52 s/ Elizabeth McDougall
53
54

55 Elizabeth McDougall, WSBA No. 272026
56 Breena M. Roos, WSBA No. 34501
57 Ashley Locke, WSBA No. 40521
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101 **DECLARATION OF G. CAIRELLA IN SUPPORT**
102 **OF DEFENDANTS' MOTION TO DISMISS**
103 **UNDER RULE 10(a) (NO. 2:11-CV-01709) – 4**

104 24976-0480/LEGAL22091275.1

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